

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

_____	)	
IN RE TRICOR DIRECT PURCHASER	)	
ANTITRUST LITIGATION	)	C.A. No. 05-340 (KAJ)
_____	)	
	)	(consolidated)
THIS DOCUMENT RELATES TO:	)	
	)	
C.A. No. 05- 358 (KAJ)	)	
_____	)	

**AMENDED NOTICE OF VIDEOTAPE DEPOSITION OF LOUISIANA WHOLESALE  
DRUG COMPANY, INC. PURSUANT TO FED.R.CIV.P. 30(B)(6), LIMITED TO CLASS  
CERTIFICATION ISSUES**

To: All Counsel on the Attached Service List

PLEASE TAKE NOTICE that pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, counsel for Defendants shall take the deposition by oral examination of plaintiffs Louisiana Wholesale Drug Company, Inc. ( "Louisiana Wholesale"), on June 30, 2006 at 9:30 A.M., at the offices of Garwin Gerstein & Fisher LLP, 1501 Broadway, Suite 1416, New York, NY, 10036 or such other location agreed to by counsel. The deposition will be recorded by videotape as well as stenographically before a Notary Public or other officer authorized to administer oaths, and shall continue from day to day until completed, with such adjournments as to time and place as may be necessary.

NOTICE IS HEREBY GIVEN that pursuant to Fed. R. Civ. P. 30(b)(6), Louisiana Wholesale is required to designate one or more appropriate persons to testify on its behalf with respect to each of the matters set forth in Exhibit A hereto, and the person(s) so designated shall be required to testify as to each of those matters known or reasonably available to the corporation. You are invited to attend and cross-examine. Louisiana Wholesale must also produce documents with respect to each of the matters set forth in Exhibit B hereto by June 27, 2006. Nothing in this notice shall be construed in any way to prejudice Defendants from conducting further 30(b)(6) depositions on non-class certification issues.

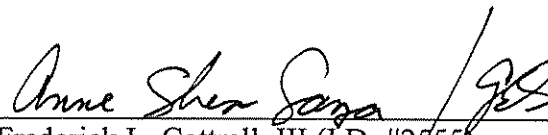
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Dated: June 23, 2006

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**DEFINITIONS AND INSTRUCTIONS**

1. The use of any definition for purposes of this Notice shall not be deemed to constitute an agreement or acknowledgement on the part of defendant that such definition is accurate, meaningful or appropriate for any other purpose in this action.

2. The terms “Your” or “Your” means Louisiana Wholesale Drug Company, Inc.; all parents, subsidiaries, and affiliates thereof, all divisions, predecessors, successors and assigns of each of the foregoing; and all officers, directors, employees, agents, consultants, attorneys and all other persons acting or purporting to act on behalf of, or under the control of, each of the foregoing.

3. “Impax” means counterclaim plaintiff Impax Laboratories, Inc., all parents, subsidiaries, and affiliates thereof, all divisions, predecessors, successors and assigns of each of the foregoing; and all officers, directors, employees, agents, consultants, attorneys and all other persons acting or purporting to act on behalf of, or under the control of, each of the foregoing.

4. The term “TriCor®” means any pharmaceutical product marketed under the trade name “TriCor®,” at any time.

5. The term “Lofibra®” means any pharmaceutical product marketed under the trade name “Lofibra®,” at any time.

6. The term “Antara®” means any pharmaceutical product marketed under the trade name “Antara®,” at any time.

7. The term “Triglide®” means any pharmaceutical product marketed under the trade name “Triglide®,” at any time.

8. The term “Lipofen®” means any pharmaceutical product marketed under the trade name “Lipofen®” at any time

9. The term “document” is defined to be synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34(a). A draft or non-identical copy is a separate document within the meaning of this term.

10. The term “concerning” means discussing, relating to, referring to, describing, evidencing or constituting.

11. The use of the singular of any word shall include the plural and vice versa, and the use of a verb in any tense or voice shall be construed as the use of that verb in all other tenses and voices, as necessary to bring within the scope of the discovery request all responses that might otherwise be construed as outside its scope.

12. The relevant time frame for these topics is January 1998 to the present.

**EXHIBIT A**

You are requested to designate one or more officers, directors or managing agents, or other persons who consent to testify on Your behalf who have knowledge of the matters set forth herein.

**TOPICS**

1. Your records concerning purchases, inventory, and/or returns, including the policies and procedures You used to determine the quantities of fenofibrate products you purchased, including (1) TriCor®, (2) Lofibra®, (3) Antara®, (4) Triglide®, (5) Lipofen®, and (6) any proposed Impax product either developed or under development, including the data produced by You Bates labeled LWD-Tricor-00001-03.

2. The process(es), method(s), strategies, and/or procedures You proposed, considered, or used for setting or establishing the prices (whether direct or contract, and including rebates, discounts, and/or chargebacks) for any fenofibrate product, including (1) TriCor®, (2) Lofibra®, (3) Antara®, (4) Triglide®, (5) Lipofen®, and (6) any proposed Impax product either developed or under development.

3. Your ability to control or influence the type or amount of pharmaceutical products demanded by Your customers or prescribed for consumers, and the substitutability between any such products, including (1) TriCor®, (2) Lofibra®, (3) Antara®, and (4) Triglide®, (5) Lipofen®, (6) any proposed Impax product either developed or under development, (7) statins, and (8) any other cholesterol reducing drugs.

4. Your communications with customers, manufacturers, suppliers, and competitors concerning the availability of fenofibrate products, including (1) TriCor®, (2) Lofibra®, (3) Antara®, and (4) Triglide®, (5) Lipofen®, and (6) any proposed Impax product

either developed or under development, and any analyses of the effect on the price you paid for any fenofibrate product.

5. Your communications or analyses concerning any comparisons between TriCor® and any other version of TriCor®, or any version of Lofibra®, Antara®, Triglide®, Lipofen®, or any proposed Impax product either developed or under development.

**EXHIBIT B**

Defendants hereby incorporate by reference the Definitions and Instructions from Defendants' First Set of Requests for the Production of Documents and Things from the Direct Purchaser Plaintiffs.

1. Defendants hereby request the production of all documents relating or referring to the topics set forth in Exhibit A that have not already been produced in this litigation.



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**CERTIFICATE OF SERVICE**

I hereby certify that on June 23, 2006, I caused to be served by hand delivery the foregoing document and electronically filed the same with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

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